Electronic communications: access to networks and interconnection, new regulatory framework

2000/0186(COD) - 17/09/2001 - Council position

The Council supports the approach and aims proposed by the Commission. Some changes to both the wording and the substance of the Commission's text were nevertheless made. For the most these changes aim to provide greater guarantees to users in terms of end-to-end connectivity and to create flexibility regarding the future development of obligations on access to digital television. Concerning 'Obligations to interconnect', the common position grants NRAs specific powers to interconnect undertakings controlling access to end-users. This is in addition to the possibility of imposing such obligations on operators with significant market power under Article 12. Concerning 'Conditional access obligations', the Council considers the Commission proposed approach too rigid. It therefore introduces a new sub-paragraph whereby Member States will have the freedom to include requirements for other facilities (APIs and EPGs). The common position also allows for a provision of 'rolling back' the regulation on condition that access systems as markets become more competitive - provided that the accessibility of specified 'must carry' broadcasts is maintained. Concerning 'Certain limitations to public networks', the Council has decided to follow the broad scope of the originally proposed Directive. Certain provisions are amended however in order to clarify that they apply to public networks only. On 'local loop unbundling' the Council has decided to add a number of detailed provisions with the objective of carrying over into the new framework the obligations laid down in the recently adopted regulation on local loop unbundling.